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Item 3 of the provisional agenda*
Follow-up to the recommendations of the Permanent Forum

Compilation of information received from indigenous peoples' organizations

Note by the Secretariat

Summary

The present note provides a compilation of the responses received from indigenous peoples' organizations to a questionnaire on action taken or planned in relation to the recommendations of the Permanent Forum on Indigenous Issues, as well as to implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development. The questionnaire and the complete responses are available on the website of the seventeenth session of the Permanent Forum (https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/17-2.html).

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I. Introduction

1. The present note is based on the information received from indigenous peoples' organizations on the recommendations of the Permanent Forum on Indigenous Issues.[1] The Permanent Forum welcomes the participation of indigenous peoples in its sessions and acknowledges and thanks the organizations that have provided reports. It urges indigenous peoples' organizations to continue to provide information on their activities.

2. Indigenous peoples were invited to provide information on the work of their organizations regarding the recommendations of the Permanent Forum and on the implementation of the objectives and goals related to the United Nations Declaration on the Rights of Indigenous Peoples, the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development.

II. Responses from indigenous peoples' organizations

A. Recommendations of the Permanent Forum

3. Amis de l'Afrique Francophone-Bénin is a non-governmental organization that promotes the right of indigenous peoples to self-governance and sustainable management of their territories. The Government of Benin recognizes the right of indigenous peoples to own, use, control and manage lands, territories and resources. Amis de l'Afrique Francophone-Bénin believes that interministerial decree No. 0121 has helped to resolve issues of ownership and control over natural resources in Benin. The organization has supported an initiative aimed at identifying sites and lands that meet the criteria of indigenous and community-conserved areas, and has participated in a project to promote the sustainable management of such areas, which requires the free, prior and informed consent of indigenous peoples.

4. The Coalition against Land-Grabbing is a non-profit organization based in the Philippines. It is a member of the global Association Consortium for Indigenous Peoples' and Community-Conserved Areas and Territories. The Coalition's mission is to secure land, forests and natural resources for the Pala'wan, Tagbanuwa and Batak indigenous peoples in the province of Palawan. The Indigenous Peoples' Rights Act of 1997 (Republic Act No. 8371) provides a legal framework for the protection and recognition of indigenous peoples and cultural communities in the Philippines. The Coalition reports to the National Commission on Indigenous Peoples, the Government agency in charge of implementing the Act. However, the Commission is slow to respond to indigenous peoples' requests for protection and recognition of their land rights.

5. The Coalition against Land-Grabbing is engaged in various processes aimed at the demarcation and recognition of indigenous ancestral lands under the legal framework of the Indigenous Peoples' Rights Act. By advocating the implementation of the Act, the Coalition is also trying to force companies and corporations to follow proper free, prior and informed consent procedures, as set out in the Act. The Coalition reports that all companies, in particular agribusiness firms, continue to

[1] Questionnaire prepared by the secretariat of the Permanent Forum on Indigenous Issues and sent to more than 300 indigenous peoples' organizations and networks, based on previous participation in Forum sessions. A total of seven responses were received from organizations in Australia, Benin, Equatorial Guinea, Morocco, the Philippines and the United States of America.

neglect and violate such procedures. The Coalition has reported violations of free, prior and informed consent procedures directly to the central and regional offices of the National Commission on Indigenous Peoples and has asked it to take action. The Coalition has also taken steps to protect the ancestral domain of the Pala'wan tribes of Rizal province, where no proper free, prior and informed consent procedures have been followed. In its report, the Coalition notes that no company or corporation in Palawan has implemented best practices for resolving issues of ownership and control over natural resources.

6. El Pueblo Indigena Bubi de la Isla de Bioko is an organization that seeks to promote the rights of the Bubi people, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples. The organization reports that there are no laws, policies or administrative measures in Equatorial Guinea that recognize the rights of indigenous peoples. There have been, and there continue to be, many forced expropriations of the lands of the Bubi people. The organization cites the agreement between Denmark and Greenland as a good example to follow to solve problems of ownership and control over natural resources.

7. Nation of Hawai'i is composed of the Kānaka Maoli people, who are the original people of Hawaii. The Hawaiian Homes Commission Act of 1920 and Hawaiian State law, administrative rules and case law recognizing traditional and customary Hawaiian rights have given the Kānaka Maoli people access to a certain amount of affordable housing and State funding, and have protected some cultural rights. However, the organization reports that these laws have largely failed to recognize their collective right to control lands, territories and resources.

8. The New South Wales Aboriginal Land Council is the main body representing Aboriginal peoples in the Australian State of New South Wales. With over 23,000 members, it is the largest Aboriginal member-based organization in Australia. The Council is a self-funded statutory corporation under the Aboriginal Land Rights Act of 1983, with a legislative objective to improve, protect and foster the best interests of all Aboriginal peoples in New South Wales. According to the Council, the Aboriginal Land Rights Act is the primary piece of legislation that allows Aboriginal peoples to use, control and manage lands, territories and resources. There are two fundamental ways in which the Act facilitates the rights of Aboriginal peoples: the first is through land claims; and the second through the use of Aboriginal land agreements.

9. Organisation Tamaynut is a non-governmental organization that represents the Amazigh peoples of Morocco. The organization seeks to protect their linguistic, cultural, economic and social rights, and their access to and share in the benefits and rights related to land. The organization reports that a 2012–2016 government plan was aimed at setting aside more than 15 million hectares of land claimed by the Amazigh peoples in favour of the State. In addition, resources belonging to the Amazigh are being exploited through activities such as fishing and mining.

10. The Research and Action Group for Well-being in Benin is a non-governmental organization that seeks to contribute to the regeneration and preservation of natural ecosystems and to sustainable development. The organization reports that it helps communities with the process of ensuring that indigenous and community heritage areas and territories are recognized.

B. United Nations Declaration on the Rights of Indigenous Peoples

11. The New South Wales Aboriginal Land Council claims that the Aboriginal Land Rights Act of 1983 is an example of good practice in terms of resolving issues of ownership and control over natural resources between States and indigenous peoples. The Council reports that the practical application of the Act aligns with the rights contained in the United Nations Declaration on the Rights of Indigenous Peoples. In October 2017, the Council called upon the Parliament of New South Wales to expedite the signing of a treaty between the Government and the First Nations of New South Wales.

C. World Conference on Indigenous Peoples

12. The Coalition against Land-Grabbing reports that, while there is no national action plan or strategy on indigenous peoples, initiatives are being undertaken by national and local organizations in various provinces to empower and strengthen indigenous communities.

13. The New South Wales Aboriginal Land Council reports that the Government of Australia has not developed a comprehensive national action plan or strategy on indigenous peoples. The Council recognizes the need to monitor and carry out domestic projects, activities and a public awareness campaign to assess progress in terms of realizing the objectives of the United Nations Declaration on the Rights of Indigenous Peoples.

D. 2030 Agenda for Sustainable Development

14. The indigenous peoples' organizations that responded to the questionnaire report that they have not been involved in the implementation, review or follow-up of the 2030 Agenda. The organization El Pueblo Indigena Bubi de la Isla de Bioko reports that it has endeavoured to inform people of the 2030 Agenda.